

DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No. 06948.105009

In re Application of: **Michael L. Wach**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Optical Networking Assembly**, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
None			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> X

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

60/124,424 (Application No.)	3/15/99 (Filing Date)		
		(Application No.)	(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
None		

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

POWER OF ATTORNEY: The following are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Sherry M. Knowles-33,052; W. Scott Petty-35,645; Clark G. Sullivan-36,942; Steven P. Wigmore-40,447; Jacqueline Haley-41,457; Curtis L. Doster-41,714; W. Wayt King Jr.-42,739; Charles Vorndran-45,315.

Send correspondence to: **King & Spalding**
191 Peachtree Street, N.E., 45th Floor
Atlanta, Georgia 30303

Direct telephone calls at (404) 572-4600

Steven P. Wigmore

Full name of sole inventor: Michael L. Wach	Citizenship: USA
Inventor's signature	Date: <i>Aug 01, 2000</i>
Residence and Post Office Address: 914 Collier Road, N.W., #6005, Atlanta, Georgia 30318	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application or Patent of: Michael L. Wach)
Application or Patent No.: Concurrently Filed Herewith)
Filed or Issued: Concurrently Filed Herewith) Attorney's Docket No. 06948.105009
For: Optical Networking Assembly)

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

() the owner of the small business concern identified below:
(x) an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: CIRREX, INC.

ADDRESS OF CONCERN: 430 Tenth Street, N.W., Suite N205, Atlanta, Georgia 30318

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41 (a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal years, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above, with regard to the invention entitled "**Optical Networking Assembly**" by inventor **Michael L. Wach** described in

() the specification filed herewith
(x) Non-Provisional Patent Application No. 09/526,091, filed March 15, 2000
() patent No. _____, issued _____

The rights held by the above identified small business concern are exclusive.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Margo Brewer

TITLE OF PERSON OTHER THAN OWNER: Vice-President

ADDRESS OF PERSON SIGNING: Suite N205, 430 10th Street, N.W., Atlanta, Georgia 30318

DATE 10-13-00 SIGNATURE Margo Brewer